

ORIGINAL

EDWARD H. KUBO, JR. 2499
 United States Attorney
 District of Hawaii

FILED IN THE
 UNITED STATES DISTRICT COURT
 DISTRICT OF HAWAII

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MAY 08 2006

at 3 o'clock and 15 min. P.
 SUE BEITIA, CLERK

Attorneys for the Plaintiff

IN THE UNITED STATES DISTRICT COURT
 FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA,)	Cr. No. 02-00203 SOM
)	
Plaintiff,)	CLERK'S NOTICE OF POST-
)	JUDGMENT GARNISHMENT AND
v.)	INSTRUCTIONS TO DEFENDANT-
)	JUDGMENT DEBTOR; REQUEST FOR
RAY WILLIAM SMITH,)	HEARING FORM; NOTICE TO
)	DEFENDANT-JUDGMENT DEBTOR
Defendant.)	ON HOW TO CLAIM EXEMPTIONS;
)	CLAIM FOR EXEMPTION FORM
)	
VANGUARD CAR RENTAL USA INC.,)	
)	
Garnishee.)	
)	

CLERK'S NOTICE OF POST-JUDGMENT GARNISHMENT
AND INSTRUCTIONS TO DEFENDANT-JUDGMENT DEBTOR

You are hereby notified that certain properties, to wit: monies from your earnings are being taken by the United States which has a Court judgment in a criminal case in Cr. No. 99-00161-001 in the United States District Court, District of Guam, and was transferred to the United States District Court, District of Hawaii on May 22, 2002 in Cr. No. 02-00203 SOM, in the sum of \$35,640.00 for your special assessment, fine, and restitution. A balance of \$38,862.88 remains outstanding as of May 2, 2006.

In addition, you are hereby notified that there are exemptions under the law which may protect some of the property from being taken by the United States if you, RAY WILLIAM SMITH, can show that the exemptions apply. The attached "NOTICE TO DEFENDANT ON HOW TO CLAIM EXEMPTIONS" and "CLAIM FOR EXEMPTION FORM" summarize the major exemptions.

You have a right to ask the Court to return your property to you if you think the property the United States is taking qualifies under one of the above exemptions or if you think you do not owe the money to the United States that it says you do.

If you want a hearing, you must notify the court within twenty (20) days after you receive the notice. You must make your request in writing, and either mail it or deliver it in person to the Clerk of the United States District Court, Room C-338, United States Courthouse, 300 Ala Moana Blvd., Honolulu, Hawaii 96850.

If you wish, you may use the "REQUEST FOR HEARING FORM" and the "CLAIM FOR EXEMPTION FORM" to request the hearing by following the instructions contained in the "NOTICE TO DEFENDANT ON HOW TO CLAIM EXEMPTIONS." You must either mail it or deliver it in person to the Clerk of the United States District Court. You must also send a copy of your request to the United States Attorney, Attn: EDRIC CHING, Assistant United States Attorney, Financial Litigation Unit, Room 6-100, PJKK Federal Building, 300 Ala Moana Boulevard, Honolulu, Hawaii 96850, so the Government will know you want a hearing. The hearing will take place within five (5) days after the Clerk receives your request, if you ask for it to take place that quickly, or as soon after that as possible.

At the hearing you may explain to the judge why you believe the property the United States has taken is exempt or why you think you do not owe the money to the United States, however, please note that the issues at the hearing will be limited: (1) To the probable validity of any claim of exemption; (2) To compliance with any statutory requirements for the issuance of the Writ of Continuing Garnishment; and (3) If the judgment is by default and only to the extent that the Constitution or another law of the United States provides a right to a hearing on the issue, to: (a) The probable validity of the claim for the debt which is merged in the judgment; and (b) The existence of good cause for setting aside such judgment.


You may also request a hearing if you file a written objection within twenty (20) days from the date of the receipt of the Answer of the Garnishee. Any objection that you file to contest the Answer of the Garnishee must be filed with the Clerk of the United States District Court. The objection must state your reasons for believing that the funds or property are not subject to garnishment by the United States. The burden is on you to prove the grounds in support of your objection. A copy of the objection or other pleadings must also be served on the United States Attorney, Attn: EDRIC CHING, Assistant United States Attorney, Financial Litigation Unit, and VANGUARD CAR RENTAL USA INC. The Court will hold a hearing within ten (10) days after the date your objection is received by the Court, or as soon thereafter as is practicable. The Court will notify you of the date, time, and place of the hearing.

If you think you live outside the Federal judicial district in which the court is located, you may request, not later than twenty (20) days after you receive the notice, that the proceeding to take your property be transferred by the Court to the Federal judicial district in which you reside. You must make your request in writing, and either mail it or deliver it in person to the Clerk of the United States District Court. You must also send a copy of your request to the United States Attorney, Attn: EDRIC CHING, Assistant United States Attorney, Financial Litigation Unit, so the Government will know you want the proceeding to be transferred.

Be sure to keep a copy of the notice for your own records. If you have any questions about your rights or about the procedure, you should contact a lawyer, an office of public legal assistance, or the Clerk of the Court. The Clerk is not permitted to give legal advice, but can refer you to other sources of information.

DATED: MAY 06 2006, at Honolulu, Hawaii.

SUE BEITIA
United States District Court
District of Hawaii

By 
Deputy Clerk